IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 137 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GOPALKRISHNA S JOSHI

Versus

DEGAM NAGARPALIKA

Appearance:

1. Civil Revision Application No. 137 of 1999

MR RN SHAH for Petitioner No. 1

MR PJ YAGNIK for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 01/07/2004

ORAL JUDGEMENT

1. Heard learned Advocate Mr.R.N.Shah for the

petitioner while learned Advocate Mr.P.J.Yagnik is absent. This Revision Application is filed against an order passed by learned Second Extra Assistant Judge, Ahmedabad (Rural) at Mirzapur on 13.1.1999 partly allowing Civil Misc. Appeal No. 59/98 filed by present petitioner against an order passed below application Exh.5 by learned Civil Judge (JD), Degham, in Regular Civil Suit No. 191/97, dismissing the Application Exh.5 for the temporary injunction filed by the plaintiff i.e. present petitioner.

2. The Revision Application is preferred upon an interlocutory order and is clearly hit by the proviso of Section 115 of the Civil Procedure Code, this Court is not empowered to interfere with the order impugned in this Revision Application. Therefore, this Revision Application is not maintainable.

3. In the above view of the matter, this Revision Application stands dismissed as being not maintainable in law. Rule is discharged. No order as to costs. Interim relief granted earlier shall stand vacated. R & P to be sent back to the Trial Court.

(J.R. Vora, J.)

p.n.nair